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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,367	11/29/2000	Lawrence N. Chapman	PD-990258	5294

20991 7590 06/08/2007

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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06/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/726,367

Applicant(s)

CHAPMAN ET AL.

Examiner

Usha Raman

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see attached 'Response to Arguments'.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER

Response to Arguments

Applicant's arguments filed May 11th, 2007 have been fully considered but they are not persuasive. Applicant's arguments traversing the combination of Hoffman in view of Chaney and Norin, stating that the systems are fundamentally and therefore incompatible different have been noted. The examiner however respectfully disagrees. Hoffman has been relied upon for receiving program guides from multiple sources and presenting a merged program guides to the user. Hoffman generally teaches that the plurality of sources can be satellite, CATV, terrestrial, etc, wherein each of the program guides provide information about programs offered by the respective sources (see abstract). Chaney has been relied upon only for the teaching of *assigning* a specific channel (i.e. specific SCID) on which a program guide is transmitted. In particular, Chaney discloses re-usage of a specific SCID (such as '0000 0000 0001') for use in both terrestrial and satellite program guide distribution (see column 2, lines 66-column 3, line 3 and column 4, lines 60-65). Therefore, taken in combination with Hoffman, the combination uses the same SCID (e.g. '0000 0000 0001') to receive data over multiple networks. Norin is generally relied upon for the teaching that a particular receiver can receive local programming from satellite sources using spot beams, previously unavailable through satellite broadcasts (see column 1, lines 24-27). Accordingly Norin teaches transmitting a set of localized programming through satellite broadcasts that is not transmitted in the national/regional broadcasts. The combination of Hoffman, Norin and Chaney, enable a user to receive programming from multiple sources such that, one source provider is a national/regional satellite provider (as taught by Hoffman) and

the second source provider is a local content satellite provider (as taught by Norin), wherein a plurality the programming schedules describing programs offered by the respective sources are transmitted by the respective sources (as taught by Hoffman) on a specific SCID (as taught by Chaney) using a satellite network (as taught by Norin). Accordingly it is possible for the modified system to transmit a first and second program guide on the same service channel (i.e. the specific SCID) of the two sources.

With regards to applicant's traversal on combination of Klosterman in view of Chaney and Norin, Klosterman discloses merging program guides from a plurality of sources (see abstract) at a receiver (see column 3, lines 9-14). Chaney has been relied upon only for the teaching of *assigning* a specific channel (i.e. specific SCID) on which a program guide is transmitted. In particular, Chaney discloses re-usage of a specific SCID (such as '0000 0000 0001') for use in both terrestrial and satellite program guide distribution (see column 2, lines 66-column 3, line 3 and column 4, lines 60-65). Therefore, taken in combination with Hoffman, the combination uses the same SCID (e.g. '0000 0000 0001') to receive data over multiple networks. Norin is generally relied upon for the teaching that a particular receiver can receive local programming from satellite sources using spot beams, previously unavailable through satellite broadcasts (see column 1, lines 24-27). Accordingly Norin teaches transmitting a set of localized programming through satellite broadcasts that is not transmitted in the national/regional broadcasts. The combination of Klosterman, Norin and Chaney, enable a user to receive programming from multiple sources such that, one source provider is a national satellite provider (as taught by Klosterman) and the second source provider is a local

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content provider (as taught by Norin), wherein the program guide describing services offered by the respective sources are transmitted over the respective sources (as taught by Klosterman) on a specific SCID (as taught by Chaney). Accordingly it is possible for the modified system to transmit a first and second program guide on the same service channel (i.e. the specific SCID) of the two sources.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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